

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANDRE DAVID LEFFEBRE, 02897-078,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 3:14-CV-3034-L
	§	
FEDERAL BUREAU OF PRISONS, <i>et al.</i>,	§	
	§	
Defendants.	§	

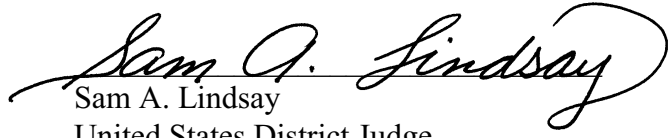
ORDER

The case was referred to Magistrate Judge Paul D. Stickney, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on September 3, 2014, recommending that the court deny Plaintiff’s August 25, 2014 Application to Proceed *In Forma Pauperis* (Doc. 4) and dismiss this action, pursuant to 28 U.S.C. § 1915(g), unless Plaintiff pays the requisite filing fee within the time provided for filing objections. Because Plaintiff has accumulated at least three strikes under section 1915(g) and has not alleged that he is in imminent danger of physical injury, the magistrate judge concluded that he is barred from proceeding *in forma pauperis* while incarcerated or detained in any facility unless he pays the requisite filing fee. Plaintiff did not pay the requisite filing fee as required by the Report. Plaintiff instead filed seven pages of objections to the Report and a Motion to Compel Discovery (Doc. 8). Although not addressed in the Report, Plaintiff also filed a Motion for the Appointment of Co-Counselor (Doc. 5) on August 25, 2014.

Having reviewed the pleadings, file, record in this case, objections, and Report, the court determines that the findings and conclusions are correct, **accepts** them as those of the court, and

overrules Plaintiff's objections. As noted by the magistrate judge, the Fifth Circuit has imposed a 1915(g) bar against Plaintiff. *See Leffebre v. Federal Corp.* 270 F. App'x 353, 354 (5th Cir. Mar. 24, 2008) (per curiam). Plaintiff is therefore barred from proceeding *in forma pauperis* while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). Plaintiff has not alleged, much less established, that he faced imminent danger of serious physical injury when he initiated this action as required to meet the section 1915(g)'s imminent danger exception. *See Banos v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998). Accordingly, the court **denies** Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. 4) and **dismisses without prejudice** this action for failure to pay the requisite filing fee. The clerk is directed to **term** Document Numbers 5 and 8, which are **denied as moot** in light of the court's dismissal of this action.

It is so ordered this 7th day of October, 2014.


Sam A. Lindsay
United States District Judge